

## **Rule 7003-1. Commencement of Adversary Proceedings.**

### **(A) Cover Sheet.**

- (1) Local Form.** The Local Form “Adversary Proceeding Cover Sheet” must accompany all complaints. If more than one cause of action is pleaded in the complaint, all causes of action shall be indicated in the section of the cover sheet captioned “Nature of Suit”.
- (2) Plaintiffs’ Corporate Ownership Statements.** Corporate plaintiffs in adversary proceedings shall utilize the Local Form “Adversary Proceeding Cover Sheet” to indicate whether there are any entities to report pursuant to Bankruptcy Rule 7007.1. If the cover sheet reflects that there are none, no further statement need be filed. If there are entities to report, the original statement and one copy must be filed with the adversary complaint.

 2004 Amendment: Amended to incorporate the provisions of AO Order 04-4.

**(B) Title of Complaint.** The title of the complaint must indicate, briefly, the nature of the relief sought.

*[Comment: See also Local Rule 9015-1 (demand for jury trial).]*

**(C) Judicial Assignment.** Adversary proceedings arising in or related to an existing bankruptcy case shall be assigned to the judge assigned to the existing case. Adversary proceedings transferred from another district shall be assigned randomly.

*[Comment: See Local Rule 5005-1(B)(2) (place of filing).]*

### **(D) Permissible Joinder of Parties in Adversary Proceedings.**

- (1) Complaint Requirements.** Adversary complaints listing multiple defendants joined pursuant to Bankruptcy Rule 7020 shall set forth in the complaint the justifications for permissive joinder consistent with the provisions of Bankruptcy Rule 7020.
- (2) Dismissal for Improper Joinder.** In an adversary complaint listing multiple defendants not properly joined in accordance with the Bankruptcy Rules, the court shall, pursuant to Bankruptcy Rule 7021 and without further advance notice or hearing, retain the first listed defendant in the complaint and dismiss, without prejudice, all other defendants in the adversary proceeding.
- (3) Consolidation by Court.** This rule shall not be construed to preclude court

consideration of consolidation of adversary cases pursuant to Bankruptcy Rule 7042, which makes Rule 42, Fed. R. Civ. P. applicable in adversary proceedings.

*[Comment: See Bankruptcy Rules 7020 and 7021 - The plaintiff can not obtain permissible joinder of multiple defendants based solely on the existence of similar or identical causes of action absent evidence that such right to relief was predicated on, or arising out of a single transaction or occurrence or series of occurrences. For example, an adversary complaint to avoid a preferential transfer or for turnover of property which lists multiple defendants in which a debtor (or trustee) is asserting joinder based on various payments that may be preferential or various claims for goods or services sold or provided to multiple defendants where each transaction was distinct and unrelated does not constitute a "series of transactions or occurrences" that would permit joinder within the meaning of the rule.]*

☞ 2004 Amendment: Amended to incorporate the provisions of AO Order 03-3.